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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,812	12/21/2001	Pere Obrador	10007842	4055

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/023,812

Applicant(s)

OBRADOR, PERE

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/21/01, 5/14/03, 8/19/05.</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17, it is not clear how instructions can perform the steps recited in the body of the claim.

It is suggested that "A computer readable medium providing instructions ... comprising " needed to be changed to – A computer readable medium encoded with a computer program instructions executed by a computer to control an apparatus to perform a method for video indexing using still images, the method comprises the steps --.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,3-9,11,12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagasaka et al (5,818,439).

Regarding claims 1 and 11, Nagasaka et al discloses a method and an apparatus for video indexing using still images (column 7, Fig. 2,) comprising:

acquiring still images during a video sequence recording using an image/video acquisition device (column 5, lines 20-37);

processing and transmitting the video sequence and the still images by the image/video acquisition device; and

indexing the video sequence using the still images, whereby a user can selectively view the video sequence using the still images as video indices (column 7, column 13, line 39 to column 14, line 20, Fig. 9).

Regarding claim 4, Nagasaka disclose the method of claim 1, further comprising storing the video sequence and the still images in a storage 136 (Fig. 2, column 5, lines 20-35).

Regarding claim 5, Nagasaka further teaches the method of claim 4, wherein the storing step includes storing the video sequence and the still images in a local storage on the image/video acquisition device. (Fig. 2)

Regarding claims 6 and 14, Nagasaka further teaches the method of claim 4, wherein the storing step includes storing the video sequence and the still images on a server connected to a network (Fig. 12).

Regarding claims 7 and 13. The method of claim 6, further comprising sending the video sequence and the still images to other users through the network, whereby

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the other users can selectively view the video sequence using the still images as the video indices (Fig. 1, 2, column 13, lines 39-68).

Regarding claims 8 and 12, Nagasaka teaches the method of claim 1, further comprising using a computer to selectively view the video sequence using the still images as the video indices (Fig. 9, column 13 lines 39-68).

Regarding claim 9, Nagasaka further teaches the method of claim 8, further comprises clicking on the still images from the computer to start viewing the video sequence from a point in time associated with the still images (column 9, lines 39-68).

4. Claims 1-5-9, 11-12,15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Honda et al (6,606,451).

Regarding claims 1, 11,15 and 17, Honda discloses a computer readable medium providing instructions for video indexing using still images, the instructions comprising:

receiving still images within a video sequence acquired by a join video and still image pipeline camera (column 8, lines 12-68, column 9, line 65 to column 10, line 8, column 30, lines 52-60); and

indexing the video sequence using the still images, whereby a user can selectively view the video sequence using the still images as video indices (Fig. 27,32, column 25, lines 30-42 29, lines 30-50).

Further for claim 17, Honda teaches a computer readable medium storing the instruction the steps of claims 17 since Honda teaches using a computer for controlling and generating still images for indexing the video sequence .

Regarding claims 2 and 18, Honda teaches the instructions for receiving still images includes instructions for receiving high resolution still images since the still images is produced by a film or still camera .

Regarding claim 3 Honda further teaches wherein the acquiring step includes pressing a button on the image/video acquisition device to acquire the still images during the video sequence recording (column 9, lines 30-65).

Regarding claims 4-5, Honda further teaches a storage for storing the video sequence and still images (Fig. 4).

Regarding claims 8 , 9, 12, Honda further teaches using a computer to selectively view the video sequence using the still images as the video indices (Figs. 27 and 32).

Regarding claim 19, Honda teaches instructions for displaying the still images on a display device as labeled icons for easy indexing (Figs. 27 and 32).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka et al (5,818,439) in view of Covell. et al (6,721,361).

Nagasaka fails to specifically teaches that the still mages is high resolution still images .

Covell teaches using the high resolution still images from a video signal . It would have been obvious to one of ordinary skill in the art to modify Nagasaka with Covell by using a high resolution video signal as an alternative source of the video signal source of Nagasaka .

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka et al (5,818,439) in view of Nagasaka et al (5,974,218).

Nagasaka does not teach printing still images . Nagasaka (5,974,218) teaches using a printer for printing the still images (column 6, lines 9-15) It would have been obvious to one of ordinary skill in the art to modify Nagasaka (5,819,439) with Nagasaka et al (5,974,218) by providing the apparatus of with a printer for printing the

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still images thereby enhancing the capacity of apparatus for retaining the still images for further user .

8. Claims 13-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda et al in view of Nagasaka et al (5,818,439).

Regarding claims 13-14, and 20 ,Honda fails to teach using a server and a network for sending the video sequence and still images to other user . However , it is noted that using a network and a sever for sending the video sequence and still images to other user . Nagasaka teaches an apparatus having a connecting means connected to a network and a server for sending a video sequence and still image to other user ((column 7, column 13, line 39 to column 14, line 20, Fig. Figs, 1-3 and 9). It would have been obvious to one of ordinary skill in the art t modify Honda using connecting means as taught by Nagasaka for connecting the apparatus of Honda to a network and a server for sending the video sequence and still images to other user thereby enhancing the function of the apparatus Nagasaka in exchanging the video for viewing .

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N


HUY NGUYEN
PRIMARY EXAMINER